

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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Kelli Scott,

Plaintiff,

v.

Reliant Energy Retail Holdings, LLC,

Defendant.

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: Civil Action No.: 4:15-cv-282  
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: **COMPLAINT**  
: **JURY**  
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For this Complaint, the Plaintiff, Kelli Scott, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* ("TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

3. The Plaintiff, Kelli Scott ("Plaintiff"), is an adult individual residing in Houston, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. The Defendant, Reliant Energy Retail Holdings, LLC ("Reliant"), is a Texas business entity with an address of 1201 Fannin Street, Houston, Texas 77002, and is a "person" as defined by 47 U.S.C. § 153(39).

### **FACTS**

5. In or around April 2014, Reliant began calling Plaintiff in an attempt to collect a debt from a person other than Plaintiff (the “Debtor”).

6. At all times mentioned herein, Reliant called Plaintiff on her cellular telephone using an automatic telephone dialing system (“ATDS”) and/or by using a prerecorded or artificial message.

7. When Plaintiff answered the calls, she heard a prerecorded voice directing Plaintiff to press “1” to speak to a live representative.

8. Plaintiff does not know the Debtor and is no way responsible for the repayment of the Debt.

9. Plaintiff answered Reliant’s calls and followed an automated prompt in an attempt to get the calls to stop. During a live conversation, Plaintiff informed Reliant that it was calling her personal cellular telephone and that the Debtor was unknown to her and unreachable at her telephone number.

10. Plaintiff instructed Reliant to remove her telephone number from the account and cease all communications with her.

11. Reliant responded that it could not remove Plaintiff’s number from the account without the accountholder’s permission.

12. Thereafter, despite knowing that the Debtor could not be reached at Plaintiff’s number and ignoring Plaintiff’s attempts to stop the calls, Reliant continued calling Plaintiff in an attempt to collect the Debt.

13. The calls caused Plaintiff a great deal of frustration and intruded on her right to be free from unwanted invasions. Plaintiff was ultimately forced to retain the assistance of counsel in an effort to stop the calls.

**COUNT I**

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –**  
**47 U.S.C. § 227, et seq.**

14. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. Plaintiff never provided her cellular telephone number to Reliant and never provided her consent to be contacted on her cellular telephone.

16. Without prior consent Reliant contacted Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

17. Reliant continued to place automated calls to Plaintiff's cellular telephone after being advised it had the wrong number and knowing there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

18. The telephone number called by Reliant was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

19. The calls from Reliant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

20. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

21. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against the

Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: February 2, 2015

Respectfully submitted,

By: /s/ Jenny DeFrancisco

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